

REMARKS

Claims 1-12 are currently pending in the application. Only claims 1 and 5 are independent form.

Applicants wish to express their appreciation for the courtesies extended Applicant's representative, Amy E. Rinaldo, during a telephonic interview conducted September 8, 2005.

Claims 1-12 stand rejected under the judicially created doctrine obviousness-type double patenting as being unpatentable over claims 1-10 and 12 of co-pending Application No. 10/272,089 in view of the Anthony, et al. patent. A properly executed Terminal Disclaimer is enclosed herewith thereby obviating the present rejection and reconsideration of the rejection is respectfully requested.

Claims 1-12 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the Anthony, et al., patent. Reconsideration of the rejection under 35 U.S.C. §103(a) over the Anthony, et al. as applied to the claims, is respectfully requested.

The Office Action has held that the Anthony, et al., patent discloses a monitoring system for remotely monitoring an item or activity comprising recording means for recording a visual record of an item or activity, communicating means in communication with the recording means, wherein the communicating means is used for communicating the visual record, and security means operatively connected to the communicating means, wherein said security means is used for controlling access to the monitoring system. The

Office Action acknowledges that the Anthony, et al. patent fails to explicitly and expressively state that a sorting means is used to sort visual records but the reference implicitly indicates the use of a sorting means as stated in Column 16, lines 12-19 of the Anthony, et al. patent. However, there is no disclosure or suggestions for an automatic sorting device, instead there is merely disclosed a person capable of sorting through material. In contradistinction, the presently pending independent claims recite automatic sorting means for automatically sorting the visual records. The automatic sorting means is defined in the specification at page 10, line 12 through page 11, line 25 as a processor that is used to assign the images and status information to the appropriate item and activity. The processor organizes all of the images in proper order and proper configuration for further processing. This can be accomplished using, for example, barcodes or other optical recognition coding to distinguish between a number of stages of readiness. The processor automatically detects the status of the item and properly configures the relevant information. The processor and corresponding sorting means is not disclosed or suggested by the Anthony, et al., patent, which instead requires the real time video to be continuously monitored by a party for abnormal activity. The presently pending claims recite a device capable for automatically sorting information and providing the information to an end user. This sorting occurs automatically and does not require the input of an individual. All of the information is provided via barcodes or other similar coded information within the visual picture. The status information is then accessible externally to an end user. The Anthony, et al. patent discloses a system for monitoring an individual and their activities. There is no disclosure for monitoring an inanimate item and providing the status of that item. In contradistinction, the presently pending independent claims recite a method and product for monitoring an inanimate item and providing non-readily available information with regard to the status of the inanimate object. There is

no disclosure or suggestion for this in the Anthony, et al. patent. There is no disclosure in the Anthony et al., patent for this system and as such the claims are patentable over the Anthony, et al., patent and reconsideration of the rejection is respectfully requested.

The remaining dependent claims not specifically discussed herein are ultimately dependent upon the independent claims. References as applied against these dependent claims do not make up for the deficiencies of those references as discussed above. The prior art references do not disclose the characterizing features of the independent claims discussed above. Hence, it is respectfully submitted that all of the pending claims are patentable over the prior art.

It is respectfully requested that the present amendment be entered in order to place the application in condition for allowance or at least in better condition for appeal. The application is placed in condition for allowance as it addresses and resolves each and every issue that remains pending. Claims have also been amended to clearly distinguish over the prior art. The application is made at least in better condition for appeal as the amendment removes many issues thereby simplifying the issues on appeal. Further, the claims have been amended to more specifically define the invention while raising no new issues that would require any further searching. Rather, the amendments have been made in view of comments made in the Office Action that clearly distinguish the presently pending claims over the cited prior art. Hence, it is respectfully requested that the amendment be entered.

This amendment could not have been made earlier as the amendment further defines the claims over the prior art in accordance with the suggestion

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made in the Office Action, the suggestion first being made in the outstanding Office Action. Hence, since there remain no further issues to be resolved, it is respectfully requested that the present amendment be entered.

If any remaining issues exist, Applicants respectfully request to be contacted by telephone at (248) 539-5050.

The Commissioner is authorized to charge any fee or credit any overpayment in connection with this communication to our Deposit Account No. 11-1449.

Respectfully submitted,

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